

1200617-Court-A-Unit

BRUCE F. JOBE
4312 LUDGATE ST.
ATTORNEY AT LAW
LUMBERTON, NC 28358

IN RE
MANNON BETHEA
897 BETHEA RD.

MAXTON, NC 28364
SSN or Tax I.D. XXX-XX-6388

Chapter 13

Case Number: 12-00617-8-SWH

JOAN BETHEA
897 BETHEA RD.

MAXTON, NC 28364
SSN or Tax I.D. XXX-XX-1387

United States Bankruptcy Court
1760 Parkwood Boulevard
Courtroom Room 101
Wilson, NC 27893

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 07/05/2012, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
Eastern District of North Carolina
1760-A Parkwood Blvd
Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):

MANNON BETHEA
897 BETHEA RD.
MAXTON, NC 28364

Attorney:

BRUCE F. JOBE
4312 LUDGATE ST.
ATTORNEY AT LAW
LUMBERTON, NC 28358

Trustee:

Richard M. Stearns
1015 Conference Dr.
Greenville, NC 27858

JOAN BETHEA
897 BETHEA RD.
MAXTON, NC 28364

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: June 04, 2012

Richard M. Stearns
Chapter 13 Trustee
1015 Conference Dr.
Greenville, NC 27858

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

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IN RE:

CASE NUMBER: 12-00617-8-SWH

MANNON BETHEA

JOAN BETHEA

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on March 1, 2012, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$625.00	for	48	Months
	for		Months
	for		Months
	for		Months

THE ANALYSIS OF THIS PLAN INDICATES THE GENERAL UNSECURED CREDITORS MAY NOT RECEIVE A DIVIDEND. IF FUNDS ARE AVAILABLE TO THE UNSECURED CLASS THE EXACT AMOUNT TO BE PAID EACH CLAIM CANNOT BE CALCULATED AT THIS TIME;

Debtors With No Projected Disposable Income. If it has been determined that Debtor(s) has/have no projected disposable income and no equity in property pursuant to the liquidation test to be applied for the benefit of general unsecured creditors the obligation of the debtor(s) to make such payments shall cease upon payment to the Trustee of a sum sufficient to pay all allowed arrearage claims on secured debts, or other allowed secured claims (not including those to be paid "outside the plan), unsecured priority claims,

administrative claims and co-sign protect claims (if any) in full, along with the amount indicated below to be paid on general unsecured claims. IN SUCH EVENT THE GENERAL UNSECURED CLAIMS WILL BE PAID \$0.00 THROUGH THIS PLAN.

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before May 30, 2012 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before July 23, 2012 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#2 SHEPPARDS MOTORS	'97 FORD	TO BE PAID DIRECT

b. Continuing Long Term Debts to be paid by the Trustee:

The Trustee will disburse regular ongoing monthly payments effective with the month indicated below with the Debtor to resume direct payments upon completion of plan payments. Arrearage through the month indicated will be paid in full over the term of the plan without interest as funds are available unless otherwise indicated. To receive disbursements, a creditor must file a proof of claim documenting a non-preferential perfected lien against the property. The Trustee will disburse the regular monthly payment indicated below unless an allowed filed claim indicates a different payment.

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#802 CITIMORTGAGE	1 ST MORTGAGE	IF PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, to be paid over the life of the plan. Two post-petition contractual payments shall be included in the arrearage claim. (SEE PARAGRAPH 8 BELOW)

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#33 CONSUMER FINANCE	UNITED KIRBY	\$238.35 SECURED \$1596.79 UNSECURED	TO BE PAID OVER THE TERM OF THE PLAN @ 5 ¼% INTEREST

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Provided sufficient funds are available, and a proof of claim has been filed and allowed, the secured creditors listed above can expect to receive a minimum monthly payment equal to 1% of the value of their collateral.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with that November 5, 2009 Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments.

Administrative Arrearage Claim Treatment Under Conduit Order. If the mortgage creditor on a mortgage subject to the “Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments Effective January 1, 2010” (hereinafter “Conduit Order”) files a Proof of Claim for post petition arrearages that includes the two month “Administrative Arrearage” as defined in the Conduit Order, the Trustee has used that two month portion of the claimed amount as the Administrative Arrearage. In that event, Trustee has established that two month Administrative Arrearage claim as a separate claim and reduced the amount stated in the mortgage creditors proof of claim accordingly

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: “Abandon,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 8 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;

11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;

13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;

14. That confirmation of the Plan vests all property of the estate in the debtor(s);

15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,000.00. The Trustee recommends to the Court a fee of \$3,000.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.

16. Other Provisions: None

RICHARD M. STEARNS

Standing Chapter 13 Trustee

EXHIBIT 'A'**DEBTORS:** Mannon & Joan Bethea **CASE NUMBER:** 12-00617-8-SWH**EMPLOYMENT:**Debtor: Social Security & Retirement **GROSS INCOME:** \$1,137.37

Spouse: Social Security

Prior Bankruptcy Yes ☐ No ☒ If so, Chapter filed**cases:**

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: Residence @ 897 Bethea Road / Joint

FMV \$81,000.00 Date Purchased

Liens \$60,884.00 Purchase Price

Exemptions \$20,116.00 Improvements

Equity \$ 0.00 Insured For

Rent Tax Value \$81,000.00

Description Lot @ 45 Stealth Drive / Joint

FMV \$6,600.00 Date Purchased

Liens \$0.00 Purchase Price

Exemption \$6,600.00 Improvements

Equity \$ 0.00 Insured For

Rent Tax Value

COMMENTS:**Attorney** Requested: \$3,000.00 (excluding filing fee)**Fees:** Paid: \$135.00 (excluding filing fee)

Balance: \$2,865.00

Trustee's Recommendation: \$3,000.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$44,356.90	Pay in	\$30,000.00	Priority	100.00%
Priority	\$3.00	Less 8.00%	\$2,400.00	Secured	100.00%
Secured	\$23,170.40	Subtotal	\$27,600.00	Unsecured	0.00%
Unsecured	\$21,183.50	Req. Atty. Fee	\$2,865.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$24,735.00	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☒ No ☐**Payroll Deduction:** Yes ☐ No ☒**Objection to Confirmation:** Yes ☐ No ☒

Pending:

Resolved:

Motions Filed: Yes ☐ No ☒

If so, indicate type and status:

Hearing Date:

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CERTIFICATE OF MAILING

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CASE: 1200617 TRUSTEE: 54 COURT: 278
 TASK: 06-01-2012.00628788.LSA000 DATED: 06/04/2012

Court Served Electronically

Trustee	Richard M. Stearns	1015 Conference Dr. Greenville, NC 27858
Debtor	MANNON BETHEA	897 BETHEA RD. MAXTON, NC 28364
Joint	JOAN BETHEA	897 BETHEA RD. MAXTON, NC 28364
799	000002 BRUCE F. JOBE ATTORNEY AT LAW	4312 LUDGATE ST. LUMBERTON, NC 28358
023	000023 NATIONWIDE INSURANCE 507 PRUDENTIAL RD	C/O NCO FINANCIAL HORSHAM, PA 19044
012	000012 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
012	000035 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
IRS	000004 INTERNAL REVENUE SERVICE INSOLVENCY SUPPORT SERVICES	PO BOX 7346 PHILADELPHIA, PA 19101-7346
017	000017 BERKS CREDIT & COLLECTIONS, INC.	PO BOX 329 TEMPLE, PA 19560
030	000030 CREDITORS COLLECTION SERVICE	PO BOX 21504 ROANOKE, VA 24018
021	000021 FRANK ROOFE OD PO BOX 3136	C/O INTERCREDCOL WINSOTN SALEM, NC 27102
019	000019 STERN & ASSOCIATES CHAPTER 13 BANKRUPTCY	415 N. EDGEWORTH STREET, STE. 210 GREENSBORO, NC 27401
013	000013 IRS	4905 KOGER BLVD., STE 102 GREENSBORO, NC 27407
014	000014 NC DEPT. OF REVENUE ATTN: ANGELA FOUNTAIN	PO BOX 1168 RALEIGH, NC 27602-1168
NCREV	000005 NC DEPT OF REVENUE CHAPTER 13 BANKRUPTCY	PO BOX 1168 RALEIGH, NC 27602-1168
011	000011 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
ESC	000003 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
025	000025 SCA COLLECTIONS	PO BOX 876 GREENVILLE, NC 27834-0876
031	000031 JON BARRY AND ASSOCIATES 216 LEPHILLIP COURT NE	PO BOX 127 CONCORD, NC 28025-2954
001	000009 GRADY I INGLE OR ELIZABETH ELKS STE 400	10130 PERIMETER PKW CHARLOTTE, NC 28216
018	000018 CHARLOTTE RADIOLOGY	POB OX 30488 CHARLOTTE, NC 28230
002	000010 SHEPPARDS MOTORS	17840 ANDREW JACKSON HWY LAURINBURG, NC 28352
016	000016 BRIAN PARKES, MD	1600 MEDICAL DR LAURINBURG, NC 28352
029	000029 SCOTLAND MEMORIAL HOSPITAL	P.O. BOX 1086 LAURINBURG, NC 28353-1086

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CASE: 1200617 TRUSTEE: 54 COURT: 278
TASK: 06-01-2012.00628788.LSA000 DATED: 06/04/2012

020	000020	FIRST HEALTH OF THE CAROLINAS	PO BOX 3000 PINEHURST, NC 28374
026	000026	PINEHURST SURGICAL CLINIC POB 2000	5 FIRST VILLAGE DR PINEHURST, NC 28374-8707
024	000024	PEE DEE PATHOLOGY	181 E. EVANS STREET FLORENCE, SC 29505
028	000028	TEK COLLECT, INC. CHAPTER 13	871 PARK STREET COLUMBUS, OH 43215
033	000033	UNITED CONSUMER FINANCIAL SERVICE CHAPTER 13 BANKRUPTCY	865 BASSETT RD. WESTLAKE, OH 44145-0000
033	000037	UNITED CONSUMER FINANCIAL SERVICE CHAPTER 13 BANKRUPTCY	865 BASSETT RD. WESTLAKE, OH 44145-0000
034	000034	WORLD FINANCE CORP	2100 N. BROADWAY ANDERSON, IN 46012
015	000015	ASHRO CHAPTER 13 BANKRUPTCY	PO BOX 8951 MADISON, WI 53708
022	000022	HARVEY KOHN M D PLLC PO BOX 64378	C/O IC SYSTEMS INC ST PAUL, MN 55164
027	000027	IC SYSTEMS, INC. CHAPTER 13 BANKRUPTCY	PO BOX 64378 ST. PAUL, MN 55164
032	000032	THE LAZER EYE INSTITUTE PO BOX 64378	C/O IC SYSTEMS ST PAUL, MN 55164
800	000006	CITIMORTGAGE	1000 TECHNOLOGY DR. O'FALLON, MO 63304-2240
801	000007	CITIMORTGAGE	1000 TECHNOLOGY DR. O'FALLON, MO 63304-2240
802	000008	CITIMORTGAGE	1000 TECHNOLOGY DR. O'FALLON, MO 63304-2240
035	000036	UNITED CONSUMER FINANCIAL 3936 E. FT LOWELL RD STE 200	C/O BASS & ASSOCIATES TUCSON, AZ 85712

40 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 06/04/2012.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 06/04/2012 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail